

CIVIL MINUTE SHEET

CASE NUMBER: 11-02-439 DATE: Wed, March 16, 2005
 TITLE: KROGER Co. v. MALESE FOODS
 RE: Jury TRIAL
(8:46 - 12:00; 1:00 - 3:31)

Honorable Sandra S. Beckwith

Courtroom Deputy:

MARY BROWN

Law Clerk:

PATRICK SMITH

Court Reporter:

MARY ANN RANZ1ST DAYAttorney for Plaintiff(s)DOUGLAS DENNISSCOTT PHILLIPSPAUL PARMELE - Co. Rep.Attorney for Defendant(s)ROBERT CINQUEGARY WINTERSWITNESSES1) EDWARD WADVOGEL (9:51-11:36)2) JONATHAN LIBBERT (11:36-11:48)PROCEEDINGS

Prelim. Matters: (8:46-9:00) Δ's mot. for leave to file MTD - DENIED; Doc 66 - DENIED;
Δ's mot. in rem is DENIED. ^{IT'S SANCTIONS}

Preliminary instructions to the jury by the court. Opening statements presented (9:29-9:35; Δ-9:35-9:48). IT calls witnesses Wadvogel & Libbert. IT recs. - exhibits admitted. Δ moves for judgment as a matter of law - taken under submission.

Δ's arguments (9:51-1:00; Δ-1:36-2:00; IT-2:00-2:04).

Final instructions to the jury by the court.

Jury begins deliberations: 2:26 PM.

Jury returns with verdict @ 3:25 PM. IT v. Δ for amount of \$1,125,000. Written rec. to be filed

IT Δ's ready motion for judgment